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FILE WRAPPER CONTINUING PATENT APPLICATION REQUEST
(Under 37 CFR § 1.62)
CURTIS, MORRIS & SAFFORD, P.C.

File No. 454310-2430
Q. Williams 5/20/94

| | |
|--|------------------|
| PRIORITY APPLICATION: 07/881,995 | |
| EXAMINER: ELLIS, J. | ART UNIT 1813 |
| ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | |
| CLASS | SUBCLASS |

| | |
|--|----------------|
| EXPRESS MAIL | |
| Mailing label number | TB305730370US |
| Date of Deposit | April 18, 1994 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. | |
| MR. HARRY BATES, JR. | |
| (Typed or printed name of person mailing paper or fee) | |
| <i>Harry Bates</i> | |
| (Signature of person mailing paper or fee) | |

[37 CFR § 1.8 Certificate of Mailing CANNOT be used.]

COMMISSIONER OF PATENTS AND TRADEMARKS

Box FWC
WASHINGTON, D.C. 20231

This is a Request for filing a continuation-in-part X continuation divisional application under 37 CFR § 1.62 of prior application Serial No. 07/881,995, filed on MAY 4, 1992, by the following named inventor(s): ENZO PAOLETTI AND DENNIS PANICALI, and currently entitled MODIFIED VACCINIA VIRUS AND METHODS FOR MAKING AND USING THE SAME.

| | | | |
|--------------------------------|---|--|---|
| FULL NAME OF INVENTOR | FAMILY NAME <u>PAOLETTI</u> | FIRST GIVEN NAME <u>ENZO</u> 100 | SECOND GIVEN NAME |
| RESIDENCE & CITIZENSHIP | CITY <u>DELMAR</u> | STATE OR FOREIGN COUNTRY <u>NEW YORK</u> NY | COUNTRY OF CITIZENSHIP <u>UNITED STATES</u> |
| CURRENT CORRESPONDENCE ADDRESS | POST OFFICE ADDRESS <u>297 MURRAY AVENUE</u> | CITY <u>DELMAR</u> | STATE & ZIP CODE/COUNTRY <u>NEW YORK 12054</u> |
| FULL NAME OF INVENTOR | FAMILY NAME <u>PANICALI</u> | FIRST GIVEN NAME <u>DENNIS</u> 200 | SECOND GIVEN NAME |
| RESIDENCE & CITIZENSHIP | CITY <u>AVERRILL PARK</u> | STATE OR FOREIGN COUNTRY <u>NEW YORK</u> NY | COUNTRY OF CITIZENSHIP <u>UNITED STATES</u> |
| CURRENT CORRESPONDENCE ADDRESS | POST OFFICE ADDRESS <u>RD2</u> | CITY <u>AVERRILL PARK</u> | STATE & ZIP CODE/COUNTRY <u>NY 12018</u> |

See attached sheet for names and addresses of additional inventors (if any).

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including all previously entered amendments and the drawings, as the basic papers for the new application.

E.O.T. sent to 6P

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Note: If prior application is not to be abandoned, then the form for 37 CFR 1.60 should be used.

1. — Enter the amendment filed on ___ under 37 CFR 1.116 but unentered, in the prior application.
2. A Preliminary submission is intended. The Examiner is respectfully requested to telephone the undersigned prior to acting in this continuation case if such a submission is not in the file.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|--|------------------|------------------|-----------|-----------------------|
| TOTAL CLAIMS | 10 -20- | 0 | x \$22.00 | \$ 00.00 |
| INDEPENDENT CLAIMS | 1 -3- | 0 | x \$74.00 | 00.00 |
| MULTIPLE DEPENDENT CLAIMS(S) (IF APPLICABLE) | | | | + \$230.00 |
| | | | | BASIC FEE + \$ 710.00 |
| Total of above Calculations | | | | \$ |
| Reduction by 1/2 for filing by small entity (Note: 37 CFR § 1.9, § 2.37, § 1.28). If applicable, verified statement must be attached or already be on file in prior application. | | | | |
| TOTAL FILING FEE | | | | \$ 710.00 |

3. The Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 (for filing) and § 1.17 (for prosecution) not otherwise paid which may be required with respect to the papers filed herewith, (and also any additional such fees which may be required during the entire pendency of this application, ___ and also the issue fee under 37 CFR 1.18), or credit any overpayment, to Deposit Account No. 03-3925. A duplicate copy of this sheet is enclosed.
4. a. A check in the amount of \$710.00 is enclosed.
- b. — The filing fee to be paid later with surcharge [pursuant to 37 CFR § 1.62(d)].
5. — Since this application is a continuation-in-part which discloses and claims additional matter, a new oath or declaration ___ is included ___ will be filed later with surcharge [pursuant to 37 CFR 1.62(d)].
6. Amend the specification by inserting before the first line the sentence:

PL
This application is a ___ continuation-in-part,
 continuation ___ division of application Serial
No. 07/881,995, filed MAY 4, 1992 which in turn is a

divisional of 06/622,135, filed JUNE 19, 1984, now U.S. Patent No. 4,702,848 which in turn is a continuation-in-part of 06/446,824, filed DECEMBER 8, 1982, now U.S. Patent No. 4,603,114 which in turn is a continuation-in-part of 06/334,456, filed DECEMBER 24, 1981, now U.S. Patent No. 4,769,330.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively copending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

7. a. — A verified statement claiming small entity status is enclosed.
- b. — A verified statement claiming small entity status was filed in the prior application, Serial No. __ filed __ and is still proper. [Note: such a statement may be filed within two months with a request for refund of overpayment.]
8. a. — Priority of foreign Application No(s). __ filed on __ in __, respectively, is claimed under 35 U.S.C. 119.
- b. — A certified copy of said foreign priority application(s) was filed in prior U.S. application Serial No. __ filed __. Acknowledgement thereof is requested.
9. The prior application is assigned of record to HEALTH RESEARCH, INCORPORATED.
10. The power of attorney in the prior application is to: Curtis, Morris & Safford, P.C. (Reg. No. 12,761), and WILLIAM S. FROMMER, REG. NO. 25,506 AND DONALD R. BENTZ, REG. NO. 18,371.
11. — Original title and original applicant(s) of prior U.S. application, if different from above:
12. Applicants hereby petition for an extension of time in the parent application (identified in paragraph 6 above) as may be needed for the latter to be copending with this application.
- A separate confirmatory petition paper with required fee is filed herewith for independent processing and separate entry in the parent application file.

CURTIS, MORRIS & SAFFORD, P.C.
File No. 454310-2430

Address all future communications to (may only be completed by applicant, or attorney, or agent of record):

Attention of: WILLIAM S. FROMMER, Esq.
c/o CURTIS, MORRIS & SAFFORD, P.C.
530 Fifth Avenue
New York, New York 10036

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Date: April 18, 1994

CURTIS, MORRIS & SAFFORD, P.C.



Name: THOMAS J. KOWALSKI
Reg. No.: 32,147
Attorney of record
(or filed under 37 CFR § 1.34)
Telephone: (212) 840-3333